

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

CITY OF DETROIT, MICHIGAN

CASE NO. 13-53846

CHAPTER 9

JUDGE: STEVEN W. RHODES

Debtor

**KIMBERLI POWELL, ET. AL'S OMNIBUS MOTION FOR RELIEF FROM THE
AUTOMATIC STAY PURSUANT TO 11 U.S.C. §362 and 11 U.S.C. §922; AND ENTRY
OF ORDER WAIVING THE PROVISION OF FRBP 4001(a)(3)**

NOW COME Movants, Kimberli Powell, *et. al.*, by and through their attorneys, B.O.C. Law Group, P.C., and in support of this Motion for Relief from the Automatic Stay states the following:

1. This Court has jurisdiction to hear this matter pursuant to 28 U.S.C. §§157 and 1334.
2. On July 18, 2013, the Debtor, City of Detroit, Michigan, filed a petition for relief under Chapter 9 of the United States Bankruptcy Code.
3. The Debtor's filing instituted an automatic stay of proceedings against the Debtor pursuant to 11 U.S.C. §§362 and 922. This Stay was confirmed by this Court's July 25, 2013 Order that confirmed the existence of the Stay (Docket #167).
4. Movants, Kimberli Powell, *et. al.* are currently Chapter 13 Bankruptcy debtors that have pending Chapter 13 Cases. Movants have likewise filed adversary proceedings that seek a determination of Debtor's property tax and/or water liens in their properties. The adversary proceedings seek declaratory relief against the Debtor only.
5. Movants, in this Motion, include the following Chapter 13 Bankruptcy and adversary matters, currently pending in the United States Bankruptcy Court, Eastern District of Michigan:
 - a. **Kimberli Powell: Chapter 13 Bankruptcy Case No. 13-40036-WSD (Adversary Case No. 13-04134);**
 - b. **Louise Williams: Chapter 13 Bankruptcy Case No. 13-40374-MBM (Adversary Case No. 13-04215);**
 - c. **Ruthea Taylor: Chapter 13 Bankruptcy Case No. 13-41265-PJS (Adversary Case No(s) 13-04235, 13-04237 and 13-04239);**
 - d. **Sherwood & Barbara Butts: Chapter 13 Bankruptcy Case No. 13-42383-PJS (Adversary Case No. 13-04267);**
 - e. **Dorothy Wilson: Chapter 13 Case No. 13-43731-WSD (Adversary Case No. 13-04296); and**

f. Quiwana Stewart: Chapter 13 Case No. 13-46273-SWR (Adversary Case No. 13-04421)

6. That confirmation of feasible Chapter 13 Plans of Movants are dependent upon the adjudication of the listed adversary proceedings. Some of these cases have been pending for as long as seven (7) months and therefore, it is imperative that these Chapter 13 debtors be permitted to prosecute these adversary proceedings to allow confirmation of their individual Chapter 13 Plans.

7. Movants only wish to obtain relief from the Stay against Debtor in order to pursue the relief sought in the adversary proceedings, which again, is limited to declaratory relief pertaining to the extent and classification of various City of Detroit property tax and/or water liens.

8. Movants attempted to obtain concurrence in the relief sought prior to filing this Motion; however, at the time this Motion was filed, Debtor and/or its duly authorized representative was unable to stipulate to this relief.

9. Attached is a proposed Order.

WHEREFORE Movants respectfully request this Honorable Court grant this Motion for Relief from the Automatic Stay to file or continue adversary proceedings against the Debtor in filed Chapter 13 cases to seek a determination of the extent of Debtor's tax and/or water liens in real property located within the City of Detroit, waive the provisions of FRBP 4001(a)(3) and for what further relief this Court deems equitable and just.

Respectfully submitted,

/s/ Corey M. Carpenter (P67818)
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Dated: August 9, 2013

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**IN RE:
CITY OF DETROIT, MICHIGAN**

**CASE NO. 13-53846
CHAPTER 9
JUDGE: STEVEN W. RHODES**

Debtor

ORDER GRANTING OMNIBUS MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Kimberli Powell, *et. al.*, having filed a Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. §362(d)(1) and 11 U.S.C. §922 of the United States Bankruptcy Code; notice having been given to all interested parties; and the Court being fully advised in the premises;

NOW WHEREFORE;

IT IS HEREBY ORDERED that the Motion is Granted.

IT IS FURTHER ORDERED that pursuant to 11 U.S.C. §362(d) and 11 U.S.C. §922, the Automatic Stay is hereby vacated for the limited purposes of allowing Movants to continue litigation in certain adversary proceedings seeking declaratory relief against the Debtor, City of Detroit, Michigan, and which requests a determination of the extent and nature of real property and/or water bill liens held by the Debtor upon real properties in the City of Detroit, Michigan. These cases include:

- a. **Kimberli Powell: Chapter 13 Bankruptcy Case No. 13-40036-WSD (Adversary Case No. 13-04134);**
- b. **Louise Williams: Chapter 13 Bankruptcy Case No. 13-40374-MBM (Adversary Case No. 13-04215);**
- c. **Ruthea Taylor: Chapter 13 Bankruptcy Case No. 13-41265-PJS (Adversary Case No(s) 13-04235, 13-04237 and 13-04239);**
- d. **Sherwood & Barbara Butts: Chapter 13 Bankruptcy Case No. 13-42383-PJS (Adversary Case No. 13-04267);**
- e. **Dorothy Wilson: Chapter 13 Case No. 13-43731-WSD (Adversary Case No. 13-04296); and**
- f. **Quiwana Stewart: Chapter 13 Case No. 13-46273-SWR (Adversary Case No. 13-04421)**

IT IS FURTHER ORDERED that this order is effective immediately notwithstanding the provisions of F.R.B.P. 4001(a)(3).

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:
CITY OF DETROIT, MICHIGAN

CASE NO. 13-53846
CHAPTER 9
JUDGE: STEVEN W. RHODES

Debtor

**NOTICE OF KIMBERLI POWELL, ET. AL.'S OMNIBUS MOTION FOR
FOR RELIEF FROM THE AUTOMATIC STAY PURSUANT TO 11 U.S.C. §362(d) AND 11 U.S.C. §922;
AND ENTRY OF ORDER WAIVING THE PROVISION OF FRBP 4001(a)(3)**

B.O.C. LAW GROUP, P.C. has filed papers with the Court.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought in the motion, or if you want the court to consider your view on the motion, within 15 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at
United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, Michigan 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

B.O.C. Law Group, P.C.
Attorneys for Movants
24100 Woodward
Pleasant Ridge, MI 48069

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Respectfully submitted,

/s/ Corey M. Carpenter (P67818)

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Dated: August 9, 2013

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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IN RE:

CITY OF DETROIT, MICHIGAN

CASE NO. 13-53846

CHAPTER 9

JUDGE: STEVEN W. RHODES

Debtor

**BRIEF IN SUPPORT OF OMNIBUS MOTION FOR RELIEF FROM THE
AUTOMATIC STAY PURSUANT TO 11 U.S.C. §362 and 11 U.S.C. §922; AND ENTRY
OF ORDER WAIVING THE PROVISION OF FRBP 4001(a)(3)**

NOW COME Movants, and for this brief in support of this Motion, state:

Movants hereby rely on 11 U.S.C. §362(d)(1), 11 U.S.C. §922 and the statements made in this Motion in support of this request for Relief from the Automatic Stay.

WHEREFORE Movants respectfully request this Honorable Court grant this Motion for Relief from the Automatic Stay to file or continue adversary proceedings against the Debtor in filed Chapter 13 cases to seek a determination of the extent of Debtor's tax and/or water liens in real property located within the City of Detroit, waive the provisions of FRBP 4001(a)(3) and for what further relief this Court deems equitable and just.

Respectfully submitted,

/s/ Corey M. Carpenter (P67818)

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Dated: August 9, 2013

UNITED STATES BANKRUPTCY COURT
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Debtor

CERTIFICATE OF SERVICE

Corey M. Carpenter hereby certifies that on August 9, 2013, he did serve the following documents: **Motion for Relief from the Automatic Stay, et. seq., Proposed Order, Notice of Motion for Relief, Brief in Support and Certificate of Service**, by filing said pleadings via the Court's ECF filing system, which will serve electronic notice upon:

Office of the United States Trustee
211 W. Fort St., Ste. 700
Detroit, MI 48226

City of Detroit
C/o Jonathan S. Green
150 W. Jefferson
Ste. 2500
Detroit, MI 48226

And via Regular Mail upon:

All Creditors on the attached Matrix

Respectfully submitted,

/s/ Corey M. Carpenter (P67818)

B.O.C. Law Group, P.C.

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Dated: August 9, 2013

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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Ambac Assurance Corporation

(u)Assured Guaranty Municipal Corp.

(u)BlackRock Financial Management, Inc.

(u)Blue Cross Blue Shield of Michigan and Blu

(u)Courtesy Notice

(u)Detroit Fire Fighters Association, I.A.F.F

(u)Detroit Institute of Arts

(u)Detroit Police Command Officers Associatio

(u)Detroit Police Lieutenants and Sergeants A

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(u)Genuine Parts Company

(u)Health Alliance Plan of Michigan

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Detroit

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(u)International Business Machines Credit LLC

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(du)Michigan Council 25 of the American Feder

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(u)Nuveen Asset Management

(u)P.P.T.A., Inc., or Harold Hoyt

(u)Schneiderman and Sherman, P.C.

(u)Syncora Capital Assurance Inc.

(u)Syncora Guarantee Inc.

(u)Syncora Holdings Ltd.

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(u)UBS AG

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Total	124